

**CLOSED**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOHN R. MILEY,

Petitioner,

v.

STATE OF NEW JERSEY, et al.,

Respondents.

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Civil Action No. 05-5518 (DMC)

**O R D E R**

For the reasons set forth in the Court's Opinion filed  
herewith,

It is on this 29 day of December 2005,

ORDERED that the application for a writ of habeas corpus  
under 28 U.S.C. § 2254 is dismissed without prejudice for non-  
exhaustion of state court remedies; and it is further

ORDERED that no certificate of appealability will issue.

S/ Dennis M. Cavanaugh  
DENNIS M. CAVANAUGH  
United State District Judge